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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054

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JUL 27 2001

In the Matter of )  
 )  
Amendment of 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Grants, Milan and Shiprock, NM )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 01-118  
RM-10106

To: Victoria McCauley  
Allocations Branch

Comment in Support of PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.420, KXXQ Radio Partners, LLC, licensee of station KXXQ (FM), Grants, NM, respectfully submits this Comment in support of its Petition, which requests the FCC to amend the FM Table of Allotments (i) to substitute channel 264C-0 for channel 264A at Grants, NM, (ii) to reallocate channel 264C-0 from Grants to Milan, NM, (iii) to substitute channel 299C-1 for vacant channel 265C-1 at Shiprock, NM and (iv) to modify the license of station KXXQ (FM) accordingly. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

A grant of the Petition would provide a first competitive local service, a first full-time local service and a first FM service to the community of Milan, NM. <sup>1/</sup> See Appendix A (Engineering Statement).

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<sup>1/</sup> Milan presently receives service only from daytimer KZKL.

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The present operation of channel 264A at Grants, NM provides 60 dBu service to 16,038 persons.<sup>2/</sup> If the Petition is granted, there will be NO (zero) loss of service at Grants; indeed, the 60 dBu contour of channel 264C-0 at Milan will completely encompass the 60 dBu contour of channel 264A at Grants.<sup>3/</sup> Correspondingly, the population in the "gain" area (from channel 264C-0 at Milan) will be 69,053 -- for a net increase in service by station KXXQ to 53,015 persons.<sup>4/</sup> The substitution of channel 299C-1 at Shiprock involves no gain or loss areas.<sup>5/</sup>

Should the Petition be granted and channel 264C-0 be substituted for channel 264A at Grants, NM and the channel reallocated to Milan, NM, Petitioner will apply for channel 264C-0 and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,



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July 27, 2001

Counsel for KXXQ Radio Partners, LLC

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<sup>2/</sup> See Appendix A at 2.

<sup>3/</sup> See Appendix A at 3.

<sup>4/</sup> Id.

<sup>5/</sup> Id.

## **Engineering Statement**

This Engineering Statement has been prepared on behalf of KXXQ Radio Partners, LLC ("KRP"), licensee of station KXXQ 264A Grants, New Mexico, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to:

- 1) Substitute Channel 264C0 at Milan, New Mexico, for Channel 264A at Grants, New Mexico, and modify the license of station KXXQ to specify operation on the upgraded channel, and;
- 2) Substitute Channel 299C1 for vacant and unapplied-for Channel 265C1 at Shiprock, New Mexico.

### **Channel 264C0 at Milan**

As outlined in the attached channel study, Channel 264C0 can be assigned for use at Milan in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that Channel 299C1 is substituted for Channel 265C1 at Shiprock. For this study the coordinates of a hilltop site on Haystack Mountain (NL 35° 21' 19" x WL 107° 56' 52") have been used. This site is 21.3 kilometers from Milan, the coordinates of which are NL 35° 10' 11" x WL 107° 53' 25". The nominal distance to the 70 dBu F(50,50) contour for a Class C0 station is 59.1 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Milan.

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The proposed ~~allotment of~~ Channel 264C0 at Milan will provide the first competitive local service (first full-time local service) and the first FM service, to that community. Milan presently receives service from daytime-only station KZKL 1130 kHz. Grants will retain full-time local service from stations KAIU Channel 224A, KYVA Channel 279C, KQLV Channel 288C, and KMIN 980 kHz. In addition, there are two applications pending for the use of either Channel 213C or Channel 213C2 at Grants.

#### **Channel 299C1 at Shiprock**

As outlined in the attached channel study, Channel 299C1 can be substituted for Channel 265C1 for use at Shiprock in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the coordinates of the Shiprock Channel 265C1 allotment site (NL 36° 46' 12" x WL 108° 42' 49") have been used.

Channel 265C1 at Shiprock is a vacant and unapplied-for allotment. Therefore, the proposed substitution of Channel 299C1 for Channel 265C1 at Shiprock will not require the modification of an operating station.

#### **Gain and Loss Areas**

The present operation of Channel 264A at Grants provides 60 dBu service to an area of 2,462 km<sup>2</sup> with a 1990 Census population of 16,038 persons.

The proposed operation of Channel 264C0 at Milan will provide 60 dBu service to an area of 21,636 km<sup>2</sup> with a 1990 Census population of 69,053 persons.

The 60 dBu contour from Channel 264C0 at Milan completely encompasses the 60 dBu contour from the present Channel 264A operation at Grants. Therefore, there will be no loss areas associated with that upgrade. The gain area associated with the upgrade at Milan encompasses 19,174 km<sup>2</sup> and a 1990 Census population of 53,015 persons.

The substitution of Channel 299C1 for Channel 265C1 at Shiprock will not involve any gain or loss areas.

#### **No Tuck Analysis Necessary**

Neither Grants nor Milan is located within an Urbanized Area, and the Milan Channel 264C0 70 dBu contour will not encompass any Urbanized Areas. The channel substitution at Shiprock does not involve any change in allotment site or community of license. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

## SEARCH PARAMETERS

FM Database Date: 001010

Channel: 264C0 100.7 MHz

Page 1

Latitude: 35 21 19

Longitude: 107 56 52

Safety Zone: 50 km

Job Title: Milan 265C0 Allotment Site

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
K211DX LIC	GALLUP NM	BLFT-000215ABP	211D 90.1	0.250 97.0	35-32-31 108-44-31	286.3	75.02 0.00	0 TRANS
KPEK LIC	ALBUQUERQUE NM	BLH-800117AG	262C 100.3	22.500 1253.0	35-12-51 106-27-02	96.2	137.10 32.10	105 CLEAR
KRSJ LIC	DURANGO CO	BLH-5669	263C1 100.5	100.000 79.0	37-15-46 107-53-45	1.2	211.71 15.71	196 CLEAR
KRSJ CP	DURANGO CO	BPH-990219IL	263C 100.5	30.000 599.0	37-21-46 107-47-37	3.5 SS	223.19 3.19	220 CLOSE
KXXQ LIC	GRANTS NM	BLH-961213KB	264A 100.7	1.700 59.0	35-07-09 107-54-08	171.0	26.52 -188.48	215 SHORT
KLVF LIC	LAS VEGAS NM	BLH-890626KA	264C3 100.7	10.000 -23.0	35-35-48 105-12-21	83.0	250.29 24.29	226 CLEAR
K264AE LIC	TAOS NM	BLFT-960613TB	264D 100.7	0.250 102.0	36-23-23 105-34-58	61.0	242.47 0.00	0 TRANS
K264AE CP	TAOS NM	BPFT-990317TC	264D 100.7	0.250 126.0	36-23-22 105-35-09	60.9	242.21 0.00	0 TRANS
None VACANT	SHIPROCK NM		265C1 100.9	0.000 0.0	36-46-12 108-42-49	336.6	171.47 -24.53	196 SHORT
NOTE: THIS PETITION PROPOSES SUBSTITUTION OF CHANNEL 299C1 AT SHIPROCK								
K265CA LIC	ALBUQUERQUE NM	BLFT-900514TT	265D 100.9	0.050 1587.0	35-12-50 106-27-07	96.2	136.98 0.00	0 TRANS
KRQS LIC	ALBUQUERQUE NM	BLH-941027KA	267A 101.3	6.000 100.0	35-04-06 106-46-46	106.4	111.04 25.04	86 CLEAR
KRQS CP	ALBUQUERQUE NM	BPH-990505IE	267A 101.3	3.700 128.0	35-04-06 106-46-46	106.4	111.04 25.04	86 CLEAR

===== END OF FM SPACING STUDY FOR CHANNEL 264 =====

## SEARCH PARAMETERS

FM Database Date: 001010

Channel: 299C1 107.7 MHz

Page 1

Latitude: 36 46 12

Longitude: 108 42 49

Safety Zone: 50 km

Job Title: Shiprock 299C1 Allotment Site

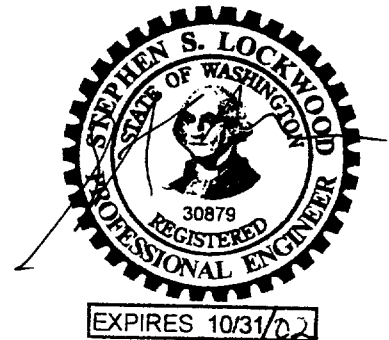
Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KDAG LIC	FARMINGTON NM	BLH-820420AF	245C1 96.9	100.000 152.0	36-39-49 108-12-55	104.8	46.06 12.06	34 CLEAR
KDAG CP	FARMINGTON NM	BPH-970310IA	245C 96.9	100.000 307.0	36-48-52 107-53-32	85.9	73.48 32.48	41 CLEAR
K269EO LIC	DOLORES CO	BLFT-971219TE	296D 107.1	0.074 DA 307.0	37-27-40 108-30-30	13.3	78.84 0.00	0 TRANS
VACANT	SILVERTON CO	-	296C 107.1	0.000 0.0	37-21-49 107-47-30	50.8	105.18 0.18	105 CLOSE
K296DL LIC	FARMINGTON NM	BLFT-931015TA	296D 107.1	0.250 DA 207.0	36-41-51 108-13-19	100.3	44.65 0.00	0 TRANS
KLJH CP	BAYFIELD CO	BPH-000327ABD	296C 107.1	100.000 570.0	37-21-49 107-47-30	50.8 SS	105.18 0.18	105 CLOSE
KFXR LIC	CHINLE AZ	BLH-950908KE	297C2 107.3	3.600 497.0	36-21-07 109-49-54	245.4	110.32 31.32	79 CLEAR
K299AJ LIC	DURANGO CO	BLFT-951023TI	299D 107.7	0.150 381.0	37-15-43 107-54-19	52.4	90.31 0.00	0 TRANS
KBKL LIC	GRAND JUNCTION CO	BLH-980304KI	300C 107.9	100.000 445.0	39-03-56 108-44-52	359.3	254.81 45.81	209 CLEAR
K300AL CP	FLORA VISTA NM	BMPFT-000313AAR	300D 107.9	0.100 DA 138.0	36-50-04 108-01-40	83.1	61.62 0.00	0 TRANS

===== END OF FM SPACING STUDY FOR CHANNEL 299 =====

### **Statement of Engineer**

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Grants, Milan, and Shiprock, New Mexico, has been prepared on behalf of KXXQ Radio Partners, LLC. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Alaska.

Signed this 19<sup>th</sup> day of January, 2001.



Stephen S. Lockwood, P.E.

Hatfield & Dawson Consulting Engineers